

1714

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Weferling et al.

Docket: 1999DE121

Serial No.: 09/578,420

Group Art Unit: 1714

Filed: 5/25/2000

Examiner: Anthony, J.D.

For: Process For Preparing (Metal) Alkylphosphonites II

RECEIVED
CENTRAL FAX CENTER

MAY 26 2004

CERTIFICATION OF FACSIMILE TRANSMISSION

OFFICIAL

Mail Stop:
Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that the following papers are being facsimile transmitted to the Patent and Trademark Office (Fax No.: 1-703-872-9306) on the date shown below:

1. SUPPLEMENTAL RESPONSE WITH TERMINAL DISCLAIMER (2 pages)
2. Copy of Auto-Reply Facsimile Transmission for Fee Transmittal Sheet dated March 12, 2004 (1 page)
3. Copy of Terminal Disclaimer to Obviate a Double Patent Rejection Over a Prior Patent (6,278,012) (1 page)
4. Copy of Auto-Reply Facsimile Transmission for Patent (6,278,012) (1 page)
5. New Fee Transmittal Sheet dated May 26, 2004 (1 page)

Total Pages including Certification of Transmission:

7

Vicki L. Sgro: 

Date: May 26, 2004

Auto-Reply Facsimile Transmission



TO: Fax Sender at 704 331 7707

Fax Information

Date Received:

Total Pages:


Fax Sender at 704 331 7707

3/12/2004 4:42:00 PM [Eastern Standard Time]

1 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page

PAGE-12-2004-FI 3547 PM : CLARIANT CORP LEGAL PAT #: REC 527 6337 T 3/21/2004	
PTOcheck (date) [blank] Approved by me through 07/15/2004. Case 0271-0027 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE <small>(Under the Patentmark Information Act of 1996, no statement are required to respond to a collection of information unless it displays a valid OMB control number.)</small>	
TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT Docket Number (optional) 1099DE512J	
Is an Application of: Norbert WEFERLING, et al., et al. Application No.: 09/578,420 Filed May 25, 2000 For: Process for preparing (Metal) Alkylphosphonates II	
<p>The copier, <u>Clariant GmbH</u>, of <u>190</u> percent interest in the instant application hereby disclaims, against its predecessor herein, the terminal part of the statutory term of any patent granted on this instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 104 and 378, as presently amended by any terminal disclaimer, of prior Patent No. <u>6,278,032</u>. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it (and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and it binding upon the parties, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 378 of the prior patent, as presently amended by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or partially disclosed under 37 CFR 1.321, has all claims cancelled by a cancellation certificate, as released, or is in any manner terminated prior to the expiration of the full statutory term as presently shortened by any terminal disclaimer.</p>	
Check either box 1 or 2 below, if appropriate. 1. <input type="checkbox"/> For extraordinary reasons on behalf of an organization (e.g., commission, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that would be so enforceable and that they are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the UNITED STATES Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. 2. <input checked="" type="checkbox"/> The undersigned is an attorney or agent of record. <div style="text-align: right;">  <u>Anthony A. Biscio</u> Typed as printed name (704) 331-7151 Telephone Number </div>	
<input checked="" type="checkbox"/> Terminal disclaimer was under 37 CFR 4.22(a) included. <p>WARNING: Information on this form may become public. Confidential information should not be included on this form. Provide (a)(2)-(a)(4) information and authentication on PTO-032A.</p> <p>*Statement under 37 CFR 4.22(b) to acquire terminal disclaimer is signed by the signee(s) (owner), From PTO-032B may be used for leaving this certification. See MPEP § 364.</p>	
<p>This certificate of authenticity is submitted by 37 CFR 4.22(b). This information is provided by signature or digital signature to the public version is to the final file (LPTD) to prevent an unauthorized disclosure. Confidentiality is governed by 35 U.S.C. 422 and 37 CFR 1.14. This certificate is prepared in order to address to complete, including submission, filing, and submitting the operating system to the public. There will be consequences after the public release of this information. Any person who provides information on this form must be certain that he/she is authorized to provide this information. If you are not the owner, you must obtain permission from the owner, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1500, Alexandria, VA 22304-1500. DO NOT SEND HERE ON COMPLETED FORMS TO THE ADDRESS. SEND THIS Certificate to Patentmark, P.O. Box 1500, Alexandria, VA 22304-1500.</p> <p>If you need assistance in completing this form, call 1-800-PTO-032A, send e-mail request.</p>	
PAGE 12 INQUIRY AT 312/2004-07-15 PM Eastern Standard Time! SVP:0327FF0F0E-01 CWS-477404/CSE-704 3547702 *BURSTION from 04-04	

PTO/SB/17 (10-03)

Approved for use through 07/31/2008. OMB 0851-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 110.00

Complete If Known

Application Number	09/578,420
Filing Date	May 25, 2000
First Named Inventor	Norbert WEFERLING
Examiner Name	Joseph D. Anthony
Art Unit	1714
Attorney Docket No.	1999DE121

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit AccountDeposit
Account
Number
Deposit
Account
Name

03-2060

Clariant Corporation

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 590	2003 285	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 88	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920	1804 920	Requesting publication of SIR prior to Examiner action	
1805 1,840	1805 1,840	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 850	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing brief in support of an appeal	
1403 280	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) Terminal Disclaimers (1)

110.00

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 110.00

SUBMITTED BY

Name (Print/Type) Anthony A. Bisulca

Signature *Anthony A. Bisulca*

Registration No. (Attorney/Agent)

40,913

(Complete if applicable)

Telephone 704-331-7151

Date May 26, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Auto-Reply Facsimile Transmission



Fax Sender at 704 331 7707

3/12/2004 4:46:15 PM [Eastern Standard Time]
1 (Including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page[illegible]